IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.11.2006

CORAM:
THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT PETITION NO.18804 OF 2004

and WPMP.No.22514 of 2004

K. Ranganathan .. Petitioner

vs.

1.The Commissioner
Corporation of Chennai
Ribbon Buildings
Chennai 600 003.

2.The Deputy Commissioner
Zonal Office
Nungambakkam
Chennai 600 034.

3.The Assistant Engineer
Divisional Office
Division No.105
Egmore, Chennai 600 008. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus as stated therein.

For petitioners:Mr. S. A. Rajan

For respondents:Mr. G.T. Subramanian

..

ORDER

(Order of the Court was made by P. Sathasivam,J.)

Aggrieved by the notice issued under Section 220 read with 222 of Madras City Municipal Corporation Act IV of 1919 (in short "MCMC Act") dated 18.05.2004, the petitioner has filed the above writ petition to quash the same and direct the respondents not to initiate any action for demolishing or removing his house at

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Old No.162, New No.80, Gengu Reddy Road, Egmore, Chennai 600 008.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. In the light of the order to be passed hereunder, we are of the view that there is no need to refer all the factual matrix as stated by the petitioner as well as the respondents. However, it is relevant to note that in a writ petition filed by the State Bank Of India Officers' Association (Madras Circle) (W.P.No.19925 of 2001), learned single Judge of this court on 16.09.2003, directed the Commissioner, Corporation of Chennai, first respondent therein, to hold an enquiry by giving due opportunity to the petitioner as well as to the 4th respondent therein, present petitioner in this writ petition and pass appropriate orders in accordance with law. In the same order, the learned Judge, directed the Commissioner to dispose of the show cause notice issued to the 4th respondent, after giving personal hearing of both parties.

4. In the present writ petition, the petitioner herein, viz., K. Ranganathan, challenges the notice issued under Section 220 read with 222 of the MCMC Act. A perusal of the notice does not show any reference to the earlier order of this Court dated 16.09.2003 and the subsequent opportunity given to the petitioner. However, learned counsel appearing for the respondents has brought to our notice that pursuant to the earlier order of this Court, notice was issued to the petitioner and in fact the petitioner appeared before the the Zonal Officer, Zone No.7, Lake Area, Nungambakkam, and submitted all the materials in support of his stand. No doubt, in the impugned notice, there is no reference to all these aspects. In such circumstances and in view of the specific direction / order by the learned Judge in the order referred to above (WP.No.19925 of 2001 dt.16.09.2003), we direct the first respondent – Commissioner, Corporation of Chennai, to pass order taking note of the materials / stand taken by the writ petitioner. Learned counsel appearing for the petitioner also seeks permission to submit fresh documents to substantiate his claim. Accordingly, the petitioner herein is permitted two weeks time to place all the records to the first respondent. Thereafter, the first respondent is directed to pass orders within a period of eight weeks, in accordance with law. Depending on the decision to be taken, the respondents are free to proceed further.

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5. The writ petition is disposed of accordingly. No costs.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Commissioner
Corporation of Chennai
Ribbon Buildings
Chennai 600 003.

2.The Deputy Commissioner
Zonal Office
Nungambakkam
Chennai 600 034.

3.The Assistant Engineer
Divisional Office
Division No.105
Egmore, Chennai 600 008.

+ one cc to Mr. G.J. Subramanian, Advocate sr no. 58443
+ one cc to Mr. S.L. Sudarsanam, Advocate sr no. 58389

TEJ(CO)
NM(06.12.2006)

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